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Attorneys for Respondent CITY OF LOS ANGELES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

**CYNTHIA ANDERSON-BARKER**

Petitioner,

vs.

**CITY OF LOS ANGELES**, a municipal  
corporation,

Respondent.

**CASE NO. BS 159845**

Assigned to the Hon. Carolyn O'Donnell  
Judge of the Superior Court  
Department 86

**ANSWER**

Petition for Writ of Mandate filed January 27, 2016

Respondent CITY OF LOS ANGELES for itself and no other respondent answers the Petition for Writ of Mandate of petitioner CYNTHIA ANDERSON-BARKER as follows:

1. Answering paragraph 3, Respondent admits that the CITY OF LOS ANGELES ("City") is a Charter City under the Constitution of the State of California, can be a "local agency" under the California Public Records Act (CPRA), and generally and specifically denies each and every other material allegation of fact therein. As a Charter City, Respondent's Answer need not be verified.

1 2. Answering paragraph 7, Respondent generally and specifically denies each and every material  
2 allegation of fact therein, and specifically denies that CHP 180 and related VIIC data are exempt from  
3 the disclosure requirements of the CPRA.

4 3. Answering paragraph 7, Respondent admits that Exhibit A purports to be a written request for  
5 public records submitted by petitioner to the addressees indicated.

6 4. Answering paragraph 2(sic) on page 3 of the petition, Respondent generally and specifically  
7 denies each and every material allegation of fact therein.

8 5. Answering paragraph 3(sic) on page 3 of the petition, Respondent generally and specifically  
9 denies each and every material allegation of fact asserted therein.

10 6. Answering paragraph 4(sic) on page 3 of the petition, Respondent generally and specifically  
11 denies each and every material allegation of fact asserted therein.

12 7. Answering paragraph 5(sic) beginning on page 3 and paragraph 6 (sic) beginning on page 4 of  
13 the petition, said paragraph appears to consist entirely of legal argument not requiring a response in this  
14 Answer.

15 8. Answering paragraph 7 (sic) on page 4 of the petition and paragraph 8, said paragraphs appear  
16 to be part of the prayer for relief and contain no material allegations of fact.

#### 17 AFFIRMATIVE DEFENSES

18 13. **First Affirmative Defense.** The petition fails to state facts sufficient to constitute any cause  
19 or causes of action against respondent, or the breach of or non-compliance with any ministerial duty  
20 imposed by law committed by the Respondent.

21 14. **Second Affirmative Defense.** The petition is barred by statute of limitation, laches, res  
22 judicata, collateral estoppel, and failure to exhaust administrative and judicial remedies.

23 15. **Third Affirmative Defense.** Respondent has at all times been prepared and remains  
24 prepared to assist petitioner in articulating her request for public records within the scope of the CPRA,  
25 but respondent's own conduct has prevented respondent from performing this duty.

26 16. **Fourth Affirmative Defense.** Petitioner's action is barred by unclean hands.

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1 WHEREFORE Respondent CITY OF LOS ANGELES prays that Judgment be entered in its  
2 favor against plaintiffs as follows:

- 3 1. That the Petition for Writ of Mandate be denied and this proceeding dismissed with  
4 prejudice.  
5 2. That Respondent be awarded its costs of suit.  
6 3. That Respondent be awarded such further affirmative relief deemed necessary and proper by  
7 the Court.  
8

9 DATED: February 25, 2016

10  
11 **MICHAEL N. FEUER**, City Attorney  
12 **THOMAS H. PETERS**, Chief Deputy City Attorney  
13 **RONALD S. WHITAKER**, Assistant City Attorney  
14 **GERALD M. SATO**, Deputy City Attorney

15 By: 

16 **GERALD SATO**

17 Deputy City Attorney  
18 Attorneys for Respondent CITY OF LOS ANGELES  
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PROOF OF SERVICE

I declare that I am and was at all times herein mentioned over the age of eighteen years and not a party to the action in which this service is made; that at all times herein mentioned I have been employed in the County of Los Angeles and that my business address is 200 No. Main Street, Room 916, CHE, Los Angeles, California 90012.

On February 25, 2016, I served the document(s) described as:

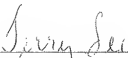
ANSWER

- [ ] BY PERSONAL SERVICE - I caused the above-referenced documents to be hand delivered to the listed addressee(s) shown on the attached service list.
- [X] BY U.S. MAIL - placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing. It is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with the postage thereon fully prepaid addressed as follows:

Donald W. Cook, Esq.  
3435 Wilshire Boulevard, Suite 2910  
Los Angeles, CA 90010

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 25, 2016, at Los Angeles, California.

  
\_\_\_\_\_  
TERRY LEE